

MARVIN W. MILLSAPS,)
)
 Petitioner,)
)
 v.) 1:13CV1017
)
 LEWIS SMITH,)
)
 Respondent.)

Petitioner, a prisoner of the State of North Carolina, submitted a petition under 28 U.S.C. § 2254 for writ of habeas corpus by a person in state custody together with an application to proceed *in forma pauperis*. It appears that Petitioner was convicted and sentenced in the Superior Court of Iredell County, within the territorial jurisdiction of the United States District Court for the Western District of North Carolina. Petitioner is also housed in Anson County in that district.

This Court may, in the exercise of its discretion and in furtherance of justice, transfer this case to the district of conviction. 28 U.S.C. § 2241(d). Therefore, pursuant to that provision, and in accordance with a joint order of the United States District Courts for the Eastern, Middle, and Western Districts of North Carolina, the entire record of this proceeding should be transferred to the United States District Court for the Western District of North Carolina for all further proceedings.

In forma pauperis status will be granted for the sole purpose of filing this action and entering this transfer order.

IT IS THEREFORE ORDERED that *in forma pauperis* status is granted for the sole purpose of filing this action and entering this Order and Recommendation.

IT IS RECOMMENDED that this action be filed and that the entire record of this proceeding be transferred to the United States District Court for the Western District of North Carolina for further screening and/or further proceedings.

This, the 19th day of December, 2013.

/s/ Joi Elizabeth Peake
United States Magistrate Judge